United Nations A/65/628

General Assembly

Distr.: General
14 December 2010

Original: English

Sixty-fifth session
Agenda item 129
Programme budget for the biennium 2010-2011

Revised estimates resulting from the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance

Report of the Secretary-General

Summary

The present report details the budgetary requirements resulting from the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance on 23 December 2010. By its resolution 61/177, the General Assembly adopted and opened the Convention for signature, ratification and accession. This report follows an earlier one on the revised estimates resulting from the resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530) in which the Secretariat reported on the revised estimates following the adoption by the Council of resolution 1/1 on the Convention. In accordance with article 39 (1) therein, the Convention will enter into force on 23 December 2010, following the deposit of the twentieth instrument of ratification on that date. In paragraph 23.39 of the programme budget for the biennium 2010-2011 (A/64/6 (Sect. 23)), the Secretary-General informed the General Assembly that should the Convention enter into force during the biennium 2010-2011, the Committee on Enforced Disappearances would be established in accordance with article 26 of the Convention and that Member States would be informed of the budgetary implications in accordance with established procedures.

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The expenditure requirements arising as a result of the entry into force of the Convention are estimated at an amount of $868,400 (gross). It is proposed that the amount of $836,500 (net) and an amount of $31,900 required for staff assessment, to be offset by the same amount under income from staff assessment for the year 2011, be met under the provisions of the contingency fund for the biennium 2010-2011. Furthermore, it is estimated that should the additional requirements, as proposed, be approved for the biennium 2010-2011, the indicative additional requirements for the biennium 2012-2013, estimated at $7,537,900 (net) and an amount estimated at $387,700 under section 36, Staff assessment (to be offset by an equivalent amount under income section 1, Income from staff assessment), will be considered in the context of the proposed programme budget for the biennium 2012-2013.

I. Introduction

1. The present report is submitted to inform the General Assembly of the requirements resulting from the expected entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance. The report follows an earlier one on the revised estimates resulting from the resolutions and decisions adopted by the Human Rights Council in 2006 at its first session and its first and second special sessions (A/61/530), in which the Secretariat reported on the estimates following the adoption by the Council of resolution 1/1 on the Convention.

2. In paragraph 23.39 of the programme budget for the biennium 2010-2011 (A/64/6 (Sect. 23)), the Secretary-General informed the General Assembly that should the Convention enter into force during the biennium 2010-2011, the Committee on Enforced Disappearances would be established in accordance with article 26 of the Convention and that Member States would be informed of the budgetary implications in accordance with established procedures.

3. The International Convention for the Protection of All Persons from Enforced Disappearance was adopted by the General Assembly in its resolution 61/177 and opened for signature on 6 February 2007. On 23 November 2010, the twentieth instrument of accession was deposited with the Secretary-General.

4. In accordance with article 39 (1) of the Convention, it will enter into force one month after the twentieth instrument of ratification or accession has been deposited with the Secretary-General, which will be on 23 December 2010.

5. Paragraph 1, article 26, of the Convention states that a Committee on Enforced Disappearances shall be established to carry out the functions provided for in the Convention. The Committee shall consist of 10 experts, of high moral character and recognized competence in the field of human rights, to serve in their personal capacity and be independent and impartial. As stipulated in paragraph 2 of article 26, members of the Committee shall be elected by the States parties to the Convention.

6. Under the Convention, the Committee is mandated to consider: (a) reports from States parties on the measures taken to give effect to its obligations under the Convention (article 29); (b) requests for urgent action (article 30); (c) communications from or on behalf of individuals subject to the jurisdiction of a State party (optional, article 31); and (d) inter-State complaints (optional, article 32); and to undertake visits when it receives reliable information that a State party is seriously violating the provisions of the Convention (article 33).

7. As stipulated in paragraph 3 of article 26 of the Convention, the first meeting of States parties to elect the members of the Committee shall be held no later than six months after the date of entry into force of the Convention. It is therefore expected that the first meeting of States parties will take place during the first half of 2011.

8. Following the elections, it is foreseen that the first session of the Committee will be held during the second half of 2011. The second and third sessions of the Committee are expected to be held during 2012 and the fourth and the fifth sessions during 2013.

9. Paragraph 7 of article 26 of the Convention states that the Secretary-General shall provide the necessary means, staff and facilities for the effective performance of the functions of the Committee.

10. Experience in servicing the Working Group on Enforced or Involuntary Disappearances reveals that it processed 629 new cases of enforced disappearances relating to 28 States from November 2006 to November 2007, 1,203 new cases of enforced disappearances relating to 27 States from December 2007 to December 2008, and 456 new cases of enforced disappearances relating to 25 States from December 2008 to November 2009. In formulating the estimates for the Committee on Enforced Disappearances, it is expected that the procedures under articles 30 and 31 will engender a high workload approximately one year following the entry into force of the Convention.

11. In accordance with article 29 of the Convention, States parties are required to submit a report to the Committee within two years after the entry into force of the Convention. It is estimated that 20 reports will be submitted during the second year after the entry into force of the Convention.

12. Similarly, it is expected that in the course of the second year after the entry into force of the Convention, individual communications under article 31 and reliable information under article 33 of the Convention will begin to arrive, which may require action by the Committee during its third session.

13. It is likewise expected that the Committee may carry out a visit under article 33 of the Convention during the second half of 2012. In accordance with paragraph 4 of article 26 of the Convention, the term of five of the members elected at the first election shall expire at the end of two years; therefore, it is expected that another one-day meeting of the States parties would be required in 2013.

II. Provisions required under the programme budget for the biennium 2010-2011 and the proposed programme budget for the biennium 2012-2013

A. Section 2, General Assembly and Economic and Social Council affairs and conference management

14. It is envisaged that a meeting of the States parties to the Convention will be held in 2011 and 2013 for one day in each year. It is expected that the modalities of the meetings of the Committee on Enforced Disappearances during the bienniums 2010-2011 and 2012-2013 will be as follows: (a) it would hold its first session for one week in 2011 to discuss organizational matters and adopt its rules of procedure; (b) its second session, which would be held for one week in 2012, is likely to be dedicated mainly to procedural matters and to the adoption of its annual report to the General Assembly; (c) at its third session, expected to take place in the second half of 2012, the Committee might begin consideration of five reports and would thus require extended meeting time estimated at 10 working days; and (d) its fourth and fifth sessions would be held in 2013 for 10 working days each.

15. Interpretation for all of the meetings of the Committee and the meetings of the States parties referred to in paragraph 14 above would be provided in the six official

languages of the United Nations. All pre-, in- and post-session documentation will be translated and issued in the six official languages. In addition, summary records for the meetings of the Committee will be issued only in English and French. Table 1 summarizes the estimated conference-servicing workloads for documentation and meetings of the Committee on Enforced Disappearances and of the States parties to the Convention.

Table 1
Summary of the estimated conference-servicing workloads for documentation and meetings

Documentation and meetings servicing, to be processed in the six official languages[a]	*Meeting of States parties (Geneva, 1 day in 2011)*	*First session of the Committee (Geneva, 5 days in 2011)*	*Second session of the Committee (Geneva, 5 days in 2012)*	*Third session of the Committee (Geneva, 10 days in 2012)*	*Travel of interpreters (2012)*	*Fourth and fifth sessions of the Committee (Geneva, 10 days, each in 2013)*	*Travel costs for interpreters (2013)*	*Meeting of States parties (Geneva, 1 day in 2013)*
Pre-session documentation								
A C E F R S	100 pages	50 pages	60 pages	550 pages		550 pages (each)		
	3 documents	2 documents	4 documents	14 documents		14 documents (each)		
Meetings servicing								
Interpretation (A C E F R S)	1 day	5 days	5 days	10 days		10 days (each)		1 day
In-session documentation								
A C E F R S		20 pages		30 pages		30 pages (each)		
		1 document		16 documents		16 documents (each)		
Summary records requirements								
	A C E F R S	E F	E F	E F		E F (each)		A C E F R S
Post-session documentation								
A C E F R S	10 pages	40 pages	50 pages	400 pages		400 pages (each)		
	1 document	1 document	2 documents	13 documents		13 documents (each)		
Travel of interpreters					2 weeks		2 weeks	

[a] Summary records of the Committee will be processed in only English and French.

16. In accordance with article 33 of the Convention, it is also assumed that the Committee will plan visits to two States parties in 2012 and 2013. Each visit would be of at least of two weeks' duration and would be carried out by three Committee members, accompanied by four staff members and interpreters, similar to the experience of the visits carried out by other human rights-related committees.

17. In view of the level of the appropriation approved under the programme budget for the biennium 2010-2011 and the expectation that a total amount of $4,812,500 will be absorbed under section 2, General Assembly and Economic and Social Council affairs and conference management, for conference servicing carried out by the Division of Conference Management of the United Nations Office at Geneva, in the biennium 2010-2011 for activities mandated by the Human Rights Council and other human rights bodies (for details of requirements proposed for absorption see A/65/333/Add.1 and Add.1/Corr.1, annex II), the Secretariat has reviewed expenditures to date under Conference management, Geneva, and has not been able to determine further areas that could absorb the additional requirements arising from the activities of the new Committee and the States parties. It is therefore proposed that an additional amount of $529,400 for temporary assistance for meetings be provided under section 2, General Assembly and Economic and Social Council affairs and conference management, in 2011 to provide the required conference services to the States parties to the Convention and to the Committee during its organizational year.

18. With regard to the requirements for the biennium 2012-2013, given that the workload of the Committee will continue to increase through 2012 and with 2013 being its first year at full workload, additional resources would be required in order to meet the increased documentation and meeting requirements of the Committee. A mix of resources would be proposed in the context of the proposed programme budget for the biennium 2012-2013, which would provide the necessary flexibility in managing resources and maintaining in-house expertise. The indicative total requirements for the biennium 2012-2013 are estimated at full requirements of $5,592,100 and are expected to include a mix of resources consisting of posts, temporary assistance for meetings and contractual translation.

19. Modifications to the programme of work of section 2, General Assembly and Economic and Social Council affairs and conference management, as approved by the General Assembly for the biennium 2010-2011 are not required.

B. Section 23, Human rights

(a) Policymaking organs

Committee on Enforced Disappearances

20. As indicated in paragraph 5 above, paragraph 1 of article 26 of the Convention states that a Committee on Enforced Disappearances shall be established to carry out the functions provided for in the Convention. It is estimated that the establishment of the Committee on Enforced Disappearances will give rise to requirements for travel and daily subsistence allowance for its 10 members of $102,500 to attend the first session in the second half of 2011.

21. For the biennium 2012-2013, it is estimated that total provisions of $680,300 would be required for the Committee as follows: (a) travel and daily subsistence

allowance for attendance at four sessions of the Committee in Geneva ($507,500); (b) travel and daily subsistence allowance for members for field missions ($100,800); and (c) travel of staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to accompany members of the Committee on field missions ($72,000).

(c) Programme of work

Subprogramme 2
Supporting human rights treaty bodies

22. The minimum secretariat support needed to provide substantive services to the Committee during a biennium would consist of one P-4, one P-3 and one General Service (Other level) posts. Additional staff will be required to provide substantive support to the Committee in view of the work related to activities of the urgent action procedure and individual communications procedures as detailed in subparagraph (c) below. Since the Committee is not expected to hold its first session until the second half of 2011, a phased approach is proposed for establishment of the posts required as follows:

(a) Effective 1 January 2011 — following the entry into force of the Convention:

(i) One Professional post at the P-4 level is proposed for the Secretary of the Committee and Secretary of the meeting of States parties. The functions of the post will consist of assisting the Committee and the meeting of States parties in all activities related to their functions, such as preparation of documentation (including draft rules of procedure and the annual report), servicing of meetings, preparing legal analyses and background papers related to the Committee's mandate, undertaking research and facilitating the adoption of measures to rationalize the functioning of the human rights treaty body system;

(ii) One General Service (Other level) post to provide secretarial assistance, the functions of which would be: to draft standard correspondence; to compile, format and distribute documents; to create and maintain the Committee's filing system and archives; to provide typing and general support services; to assist in making arrangements for meetings; and to make travel arrangements for the Committee members.

23. The estimated costs of the two posts in 2011 are $179,100. The full costs of these two posts in the biennium 2012-2013 are estimated at $599,300.

(b) Effective 1 January 2012 — one year following the entry into force of the Convention:

24. One Professional post at the P-3 level to assist the Committee with the examination of States reports presented under article 29 of the Convention. Based on experience with other treaty bodies, it is estimated that secretariat preparation for the examination of a State report will require an average of 18 working days per report. A total of 20 reports are due two years following the entry into force of the Convention. This requirement would be considered in the context of the proposed programme budget for the biennium 2012-2013.

(c) Effective 1 July 2012 — additional staff that might be required to provide substantive support to the Committee:

25. It is estimated that additional staff will be required to provide substantive support to the Committee in carrying out its activities relating to the urgent action procedure (art. 30); individual communications (art. 31) and inquiries (art. 33). With the exception of the urgent action procedure, it is expected that the aforementioned procedures would give rise to activities during the second half of 2012 since they require exhaustion of domestic remedies within the States parties (art. 31) or would take some time before they are submitted. In recent years, individual communications procedures have been established by the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights without the required post resources to implement them. The entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance brings on a third communications procedure falling under the responsibility of OHCHR. Therefore, in order to provide the optimum support to the Committee, it is expected that additional resources will be required for this new procedure.

26. The additional secretariat support required to assist with the procedures, which are expected to begin about the second half of 2012, would be:

(a) One Professional post at the P-4 level. The functions of the post will include: assisting the Committee in liaising with petitioners and the States parties concerned; drafting decisions and views under the individual communications procedure; following up on the implementation of the Committee's views; preparing legal analyses and background documents in relation to the article 31 and article 33 procedures, preparing visits under article 33 and drafting the Committee's observations and recommendations following such visits;

(b) One General Service (Other level) post to provide secretarial assistance in relation to individual communications (art. 31) and inquiries (art. 33). The functions of the post will include: drafting standard correspondence; compiling, formatting and distributing documents; creating and maintaining the Committee's filing system and archives; and providing typing and general support services, all in relation to the procedures under article 31 and article 33 of the Convention, as well as assisting in making arrangements for travel of Committee members and staff on visits under article 33 of the Convention.

27. The requirements reflected above in paragraphs 24 to 26 will be dealt with in the context of the proposed programme budget for the biennium 2012-2013.

28. Accordingly the total estimated requirements for section 23, Human rights, as addressed in paragraphs 20 to 23 above for 2011 amount to $281,600 (see table 2). For the biennium 2012-2013, the total requirements are estimated at $1,730,100, including the delayed impact of the two posts (1 P-4 and 1 General Service (Other level)) proposed for establishment in 2011, which are estimated at $420,100.

Table 2
Section 23, Human rights: additional resources for 2011
(United States dollars)

(a) Policymaking organ	
Committee on Enforced Disappearances	
Travel of 10 members to Geneva for sessions	102 500
Subtotal (a)	**102 500**

(b) Programme of work	
Subprogramme 2, supporting human rights treaty bodies	
Additional staff required	
1 Human Rights Officer (P-4)	107 400
1 General Service (Other level)	71 700
Subtotal (b)	**179 100**
Total, section 23	**281 600**

29. Modifications to the approved programme budget for the biennium 2010-2011 (A/64/6 (Sect. 23)) would be required, as indicated below.

Paragraph 23.72

(a) Servicing of intergovernmental and expert bodies (regular budget):

After (xxiii), insert the following:

"(xxiv) Meeting of States parties to the International Convention for the Protection of All Persons from Enforced Disappearance:

a. Substantive servicing of meetings (1);

b. Parliamentary documentation: reports of the Secretary-General for consideration by States parties (3);

(xxv) Committee on Enforced Disappearances:

a. Substantive servicing of meetings (10);

b. Parliamentary documentation: reports of the Committee (3)"

C. Section 28E, Administration, Geneva

30. The estimates for section 28E, Administration, Geneva, are based on the workload projections for the year 2011 and the biennium 2012-2013, and were arrived at in consultation with the Division of Conference Management of the United Nations Office at Geneva and OHCHR. The additional requirements of $25,500 that are expected to arise in 2011 in relation to the establishment of the Committee on Enforced Disappearances under section 28E, Administration, Geneva, are as follows: (a) conference-servicing support estimated at $4,500; (b) common support costs associated with the establishment of two posts (1 P-4 and 1 GS (Other level)), notably: (i) non-recurrent costs (office furniture and equipment) estimated at $12,600; and (ii) recurrent costs (mail, supplies, telecommunications, utilities, office cleaning) estimated at $8,400.

31. For the biennium 2012-2013, the total requirements are estimated at $215,700 and would be considered in the context of the proposed programme budget for the biennium 2012-2013.

D. Section 36, Staff assessment

Income section 1, Income from staff assessment

32. The estimates for additional requirements of $31,900 expected to arise under section 36, Staff assessment, of the programme budget for the biennium 2010-2011, relate to one P-4 and one General Service (Other level) posts proposed for establishment as from 2011 for section 23, Human rights. This provision will be offset by a corresponding amount under income section 1, Income from staff assessment.

33. Requirements for the biennium 2012-2013 estimated at $387,700 (including the delayed impact of the two posts (1 P-4 and 1 General Service (Other level)) proposed for establishment in 2011) to be offset by a corresponding amount under income section 1, Income from staff assessment, will be addressed in the context of the proposed programme budget for the biennium 2012-2013.

III. Summary of overall estimated additional requirements

34. The additional requirements arising from the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance on 23 December 2010 are summarized in table 3. The requirements for 2011 are new and are not included in the programme budget for the biennium 2010-2011. Requirements for the biennium 2012-2013 will be dealt with in the context of the proposed programme budget for the biennium 2012-2013.

Table 3
Summary of overall resource requirements

	2011	*2012-2013*
Section	*Additional costs (United States dollars)*	*Total costs*
Section 2, General Assembly and Economic and Social Council affairs and conference management	529 400	5 592 100
Section 23, Human rights	281 600	1 730 100
Section 28E, Administration, Geneva	25 500	215 700
Section 36, Staff assessment	31 900	387 700
Income section 1, Income from staff assessment	(31 900)	(387 700)
Total	**836 500**	**7 537 900**

IV. Conclusions and action required of the General Assembly

35. **The implications of the expected entry into force of the International Convention on the Protection of All Persons from Enforced Disappearance on 23 December 2010 will give rise to total net additional requirements of $836,500 for the biennium 2010-2011 and an amount of $31,900 under section 36, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment.**

36. **The Secretary-General has sought to identify areas from which resources can be redeployed to meet the net additional requirements of $836,500 that would arise for 2011 from the expected entry into force of the Convention. While every effort has been made to accommodate these requirements from within the existing capacity under section 2, General Assembly and Economic and Social Council affairs and conference management ($529,400), section 23, Human rights ($281,600), section 28E, Administration, Geneva ($25,500), and an amount of $31,900 under section 36, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment, it is not possible at this stage to identify further areas that could absorb the additional requirements.**

37. **It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures were proposed that exceeded the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.**

38. **For the biennium 2012-2013, it is estimated that, should the additional requirements as proposed be approved for the biennium 2010-2011, additional provisions of $7,537,900, will be required under section 2 ($5,592,100), section 23 ($1,730,100) and section 28E ($215,700) and also $387,700 under section 36 (to be offset by an equivalent amount under income section 1). These requirements, which include the delayed impact of the two posts (1 P-4 and 1 General Service (Other level) proposed for establishment under section 23, Human rights, in 2011) would be considered in the context of the proposed programme budget for the biennium 2012-2013.**

39. **Accordingly, the General Assembly is requested to approve the proposals of the Secretary-General in an additional amount of $836,500 under sections 2, 23 and 28E and $31,900 under section 36 (to be offset by an equivalent amount under income section 1) as a charge against the contingency fund for the biennium 2010-2011. The requirements by section would be as follows:**

(a) **$529,400 under section 2, General Assembly and Economic and Social Council affairs and conference management;**

(b) **$281,600 under section 23, Human rights;**

(c) **$25,500 under section 28E, Administration, Geneva;**

(d) **$31,900 under section 36, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment.**

40. **The General Assembly is also requested to approve the establishment of one P-4, and one General Service (Other level) posts under section 23, Human rights.**